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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,910	10/09/2003	Jana H. Jenkins	RSW920030213US1	6409
23550	7590	01/25/2008		
HOFFMAN WARNICK & D'ALESSANDRO, LLC			EXAMINER	
75 STATE STREET			HARPER, LEON JONATHAN	
14TH FLOOR				
ALBANY, NY 12207			ART UNIT	PAPER NUMBER
			2166	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

MN

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,910	<b>Applicant(s)</b> JENKINS, JANA H.	
	<b>Examiner</b> Leon J. Harper	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/2003</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered. Claims 1,8,9,11,19,20,22,30 and 31 have been amended. Accordingly, claims 1-32 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020120918 (hereinafter Aizenbud) in view of US 6732153 (hereinafter Jakob).

As for claim 1: Aizenbud discloses: providing the message wherein the message is crafted in a natural language (See paragraph 0054 "input message"); configuring a review standard for reviewing linguistic aspects of the natural language used in crafting the message wherein the review standard includes review parameters selected from a group consisting of: character limits, line limits, spell checks, grammar checks, and a combination thereof (See paragraph 0054 note: the message processing nodes, and customization); and revising the message to address the errors (See paragraph 0054 note: processing nodes can reformat the message).

While Aizenbud does not differ substantially from the claimed invention the disclosure of displaying any errors that are detected concurrently with the message, reviewing the message based on the review standard to detect errors is not necessarily explicit.

Jakob however does disclose: displaying any errors that are detected concurrently with the message (See column 6 lines 59-65), reviewing the message based on the review standard to detect errors (See column 7 lines 45-50). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Jakob into the system of Aizenbud. The modification would have been obvious because the two references are concerned with the solution to problem of messaging associated with computer program code, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled

artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Jakob's teaching would enable user in Aizenbud's system to have had uniformity in any distributed environment (See Jakob column 1 line 65- column 2 line 2).

As for claim 2, the rejection of claim 1 is incorporated, and further Aizenbud discloses: wherein the providing comprises creating a new message (See paragraph 0055).

As for claim 3, the rejection of claim 2 is incorporated, and further Aizenbud discloses: inputting text for the new message using a message creation interface (See paragraph 0055), designating whether the new message is an error message, a warning message, or an information message (See paragraph 0054); inputting an explanation and suggested user action using the message creation interface if the new message is an error message or a warning message (See paragraph 0054); assigning a unique identifier to the new message and sending a notification pertaining to the new message (See paragraph 0130).

As for claim 4, the rejection of claim 4 is incorporated, and further Aizenbud discloses: displaying the computer program code associated with the new message concurrently with the text for the new message (See paragraph 0091).

As for claim 5, the rejection of claim 1 is incorporated and further Aizenbud discloses: wherein the providing comprises an existing message (See paragraph 0090).

As for claim 6, the rejection of claim 5 is incorporated, and further Aizenbud discloses: inputting a unique identifier corresponding to the existing message (0130); obtaining the existing message based on the unique identifier (See paragraph 0130); displaying the existing message in a message edit interface (See paragraph 0090), editing the existing message in the message edit interface (See paragraph 0090); and sending a notification pertaining to the edited existing message (See paragraph 0090 note: update).

As for claim 7, the rejection of claim 6 is incorporated, and further Aizenbud discloses: displaying the computer program code associated with existing message concurrently with the existing message (See paragraph 0091 note: programmer is stepping through the code with the message).

As for claim 8, the rejection of claim 1 is incorporated, and further Aizenbud discloses: wherein the review parameters for ascertaining a structure of a message are retrieved from a saved resource (See paragraph 0078).

As for claim 9, the rejection of claim 1 is incorporated and further Jakob discloses: wherein the review parameters are manually designated (See column 6 lines 44-50).

As for claim 10, the rejection of claim 1 and further Aizenbud discloses: wherein the message and the errors are displayed concurrently with the computer program code associated with the message (See paragraph 0091).

Claims 11-20 are computerized system claims corresponding to method claims 1-10 respectively and are thus rejected for the same reasons as set forth in the rejections of claims 1-10.

As for claim 21, the rejection of claim 11 is incorporated, and further Jackob discloses: wherein the message and the errors are displayed concurrently (See column 11 lines 38-45 note: the message has to be displayed in order to edit it).

Claims 22-32 are program product claims corresponding to computerized system claims 11-21 respectively and are thus rejected for the same reasons as set forth in the rejections of claims 11-21:

### ***Response to Arguments***

Applicant's arguments filed 10/30/2007 have been fully considered but they are not persuasive.

#### **Applicant argues:**

On the contrary, Aizenbud's message processing nodes to "determine the flow of the messages", ¶[0055] "... cover a range of activities, including reformatting,... transformation,...routing, ... archiving, ...merging ...", ¶[0054]. None of these activities include the claimed feature of configuring a review standard for ascertaining the structure of a message. Even where the transformation of a message includes the actions of: adding, deleting or updating fields, a message processing node still does not include configuring a review standard and reviewing a message to ascertain the structure of the message according to the review parameters. The actions of adding, deleting or updating are, at best, editorial acts and not acts that establish a standard of review or acts that executes a review. Aizenbud does not teach or suggest that the actions for transforming a message constitute configuring a review standard and reviewing a message according to such a standard.

#### **Examiner responds:**

Examiner is not persuaded. Reference is made to MPEP 2144.01 - Implicit Disclosure "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one



skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968). In this case Aizenbud discloses that the message processing nodes can be customized, Customizing the processing nodes in combination with the explicit actions disclosed results in configuring a review standard and reviewing a message to ascertain the structure of the message according to the review parameters.

**Applicant argues:**

Aizenbud's message flow does not require a review of the structure of each message. It is the flow of a message that is being ascertained in Aizenbud and not the structure of a message. Claim 1. A person of ordinary skill looking for a review standard to ascertain the structure of a natural language message will not look to Aizenbud's message debugger because the message debugger determines how a message flow within a system. If a person of ordinary skill follows Aizenbud, he will not establish a review standard with the review parameters for analyzing a natural language for its merits. Instead, such a person will be lead away from the claimed invention because there is no nexus between tracking or editing a message flow and reviewing the linguistic aspect or structure of a message. Accordingly, Applicant respectfully requests that the Office withdraw this rejection.

**Examiner responds:**

Examiner is not persuaded. While Aizenbud does disclose determining how a message flows in a system an artisan of ordinary skill in the pertinent art would nonetheless look to the cited references as solutions to reviewing user messages because the Aizenbud reference discloses an entire system which includes inter alia viewing a message (See paragraph 0011), creating a message (See paragraph 0012-0013) and reviewing a message (See paragraph 0015)

### Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH  
Leon J. Harper  
January 16, 2008

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER